

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

AUGUST 1, 2011

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mrs. Charest, Mr. Zwolenski and Mr. Yazbak. Ms. Alves was unable to attend and Mr. McGee arrived later. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

PUBLIC HEARING RE: WIND TURBINES

Town Planner Robert Ericson explained the state is working on a model ordinance and no town or city wants to do anything until that is completed.

(Mr. McGee arrived at 7:02 P.M.)

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to continue this public hearing to November 7, 2011 at 7:00 P.M.

PUBLIC HEARING RE: DAS ZONING AMENDMENT

Mr. Nadeau had a conversation with Attorney Richard Kirby who represents the applicant. Mr. Kirby had spoken with Mr. Ericson regarding various issues with Phase II and this petition. Some require a response from the applicant and, therefore, Mr. Kirby

requested a continuance to the second meeting in September.

Mr. Nadeau informed Mr. Kirby that this would be the last continuance that the Council would allow. If he is not ready at that time, it will be taken off the calendar and will have to be readvertised.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this hearing to September 19, 2011 based upon the report of Mr. Nadeau and the comments made by Mr. Ericson.

MEETING WITH NORTH SMITHFIELD SEWER COMMISSION

There was concern that this meeting had not been properly posted by the Sewer Commission under the Open Meetings Act.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted 4 to 0 on an aye vote to table this meeting to an uncertain future date.

TRANSFER OF SILVER PINES PUMP STATION TO THE TOWN

Mr. Tom McGee, a member of the Sewer Commission, stated that the Commission has not accepted the pump station because it does not work right.

Sewer and Water Superintendent Russell Carpenter noted that a deed transferring the property to the town was recorded in the Town Clerk's office in May of 2008.

Mr. Zwolenski was sure that no Town Council had accepted the transfer of the pump station. There were concerns that it did not meet specifications.

Mr. Joseph DeMayo of 62 Alpine Way had Sewer Commission minutes from January 2010 that stated the Sewer Commission had voted to recommend the transfer to the Town Council after the generator had been filled with fuel. He is concerned that the station is not being maintained by anyone.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted 4 to 0 on a roll call vote to accept the transfer of the Silver Pines pump station to the town of North Smithfield.

MUNICIPAL ANNEX/POLICE STATION FIRE CODE APPEAL

Mr. McGee wants to meet with Police Chief Reynolds and Fire Marshal Brian Gartland to discuss the matter further before spending money to hire an expert to tell him about the fire code.

Mr. Yazbak did not agree and commented that the police station had been in compliance with the fire code but somewhere along the way the use of the facility changed from a business use to a detention center. He added that the hired expert could tell us what part of the fire law

August 1, 2011

the town should be under. At that point the insurance company will be able to determine whether the town can be insured.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted 4 to 0 on an aye vote to table this discussion.

RESOLUTION RE: INTERLOCAL EQUIPMENT SHARING AND PERSONNEL INTERCHANGE CONTRACT

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted 3 to 1 (Mr. Yazbak voted no) on a roll call vote to adopt the following resolution: “WHEREAS, the Towns of Burrillville, Glocester, Smithfield and North Smithfield (the “Towns”) have entered into an Interlocal Equipment Sharing and Personnel Interchange Contract (“Interlocal Contract”) which said Interlocal Contract is incorporated herein by reference; and WHEREAS, the Towns are desirous of implementing said Interlocal Contract upon certain terms and conditions consistent with the Interlocal Contract. NOW, THEREFORE, in furtherance of said Interlocal Contract and in order to implement the same, the Towns hereby resolve as follows: 1. Commencing July 1, 2011 the Towns shall make their equipment and personnel available to provide labor and services to the other Towns subject to the applicable provisions of the Interlocal Contract. 2. For the period commencing July 1, 2011 through June 30, 2013, the cost to the requesting Towns for equipment, wages and/or salary for

personnel shall be in accordance with the schedules attached hereto as Exhibits "A" and "B". Shared personnel shall be paid by their own employing Town and both the providing Towns and requesting Towns shall keep track of and account for hours worked by shared personnel. 3. Regular and overtime wages shall be paid in accordance with the shared services wage worksheet attached hereto as Exhibit "B". 4. During the course of each fiscal year all costs for shared personnel and equipment shall be accounted for and banked by the respective Towns and said Town shall credit each other on a continuing basis with respect to the costs of shared personnel and equipment. 5. Prior to the expiration of each fiscal year, costs for shared personnel and equipment shall be reconciled and any balance due shall be paid by a requesting Town to the providing Town or may be continued forward by mutual agreement of the providing and requesting Towns. 6. Should any instance arise with respect to damaged or malfunctioning equipment, misconduct by shared personnel, injury to any shared personnel or any event which could result in possible loss or liability to a providing Town then the requesting Town shall immediately notify the providing Town verbally and in writing of such event or occurrence. 7. This resolution shall be in effect from July 1, 2011 through June 30, 2013 subject to the provision that rates for shared personnel and equipment may be reviewed by the respective Towns in March of each year and may be modified for the subsequent fiscal year by mutual agreement and subject also to the right of a participating Town to revoke its future obligations hereunder upon 60 days written notice to the other

participating Towns.”

UNISON SITE MANAGEMENT/AT&T RIGHT OF WAY AUTHORIZATIONS

Ms. Hamilton explained that AT&T Wireless is looking for a right-of-way authorization for the installation of utility equipment at the property located at 40 Comstock Road.

Water and Sewer Superintendent Russell Carpenter noted that he has a very difficult time maintaining the property around the water tower because of the way these companies leave it when they are done. He would like to go out to the tower with a representative to see exactly what they plan to do.

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Mrs. Charest, and voted unanimously on an aye vote to table this matter until such time as Mr. Carpenter has time to review it.

REQUEST FOR EXCEPTIONS TO NOISE ORDINANCE FOR DOWLING VILLAGE DEVELOPMENT SITE

Neither Mr. Yazbak nor the Town Clerk had received any further information since the last meeting although Ms. Hamilton did state that the police have been dutifully checking the area between 5:30 A.M. and 7:30 A.M. and have not found any infractions.

August 1, 2011

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this matter to the August 15th meeting.

REVISION OF FISCAL YEAR 2012 CAPITAL BUDGET

Mr. Yazbak noted that at the last meeting there appeared to be a discrepancy in the funding of the police vehicles. Mr. Silvia notified the Council that the amount approved should have been \$90,254 instead of \$72,240. Therefore, the capital budget amount would have to be revised to \$268,254 with the funding source to be a lease purchase at 3.75 percent for a term of five years. The first payment would become due in 2013.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to revise the capital budget to an amount not to exceed \$270,000.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote that the funding source will be a lease purchase from First Southwest for a term not to exceed five years and with an interest rate not to exceed 4 percent and the first payment will become due in fiscal year 2013.

IT PROCESS FOR TOWN COMPUTERS

Mr. Ericson stated that Finance Director Brian Silvia received the original request and there are a lot of very technical things regarding the server for which Mr. Silvia needs to get the information from Jim Lass of Velocity Solutions. Mr. Ericson finished gathering the information from the workstations at the sewer and water building, the highway barn, the Municipal Annex and Town Hall. Now Mr. Lass has to be brought in to do the server level work.

Ms. Hamilton was hopeful that she could get Mr. Lass to come in by the end of this month.

2ND READING ORDINANCE AMENDMENT RE: USE OF RECREATIONAL VEHICLES

The ordinance amendment was denied 4 to 0 on a roll call vote.

2ND READING ORDINANCE AMENDMENT RE: SALARIES & WAGES

Ms. Hamilton stated that in the proposed ordinance, the salary for the Administrator's Assistant should reflect one-half of the salary of the Fiscal Clerk II or an hourly rate.

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted 4 to 0 on a roll call vote to amend the line item for the Administrative Assistant to the Administrator to \$15.35 per hour.

MOTION by Mr. Yazbak and seconded by Mrs. Charest to adopt the salary and wage ordinance as amended.

Roll call: Mrs. Charest – yes; Mr. McGee – yes; Mr. Zwolenski – yes; and Mr. Yazbak – yes. The motion carried unanimously.

VELOCITY SOLUTIONS INVOICE

Mr. Silvia provided a memo in which he indicated that Mr. Lass of Velocity Solutions has informed Mr. Silvia that the quote of \$1,925 per computer should be viewed as a not to exceed award and that the actual price will be lower. Mr. Lass stated that the state bid on this contract is locked for, at minimum, one year and throughout the year pricing can and will be sought from the company directly, which is more competitive than the state bid. Mr. Eric Butash, Technology Director for the School Department, had concurred that the pricing is sound.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to approve the purchase of two (2) Dell Latitude E6420 Laptops for an amount not to exceed \$3,850.00.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to identify the funding source as \$2,527.99 from the balance of the town's \$200,000 technology grant and the remainder to come from fiscal year 2011 Account No. 4155-351 (hardware/service) within the audits and computer services department.

August 1, 2011

OUTDOOR SOUND SYSTEM PERMIT – HOLY GHOST SOCIETY OF NORTH SMITHFIELD

MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve an outdoor sound system permit for the Holy Ghost Society of North Smithfield for their festival to be held on August 6 and 7, 2011.

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to waive any fees associated with the permit.

COMMERCIAL SITE DEVELOPMENT CONSTRUCTION INSPECTION SERVICES AT STOP AND SHOP FUELING FACILITY

Mr. Ericson explained that Joe Casali Engineering will be doing the inspection for the construction of a fuel station at 35 Eddie Dowling Highway. He had the following corrections to the proposal: 1.) Under Cost Proposal – Proposal Site – Principal the number should be 4 instead of 2; 2.) Under Billings/Payments the last sentence of the second paragraph should read, “These costs will be billed with a 10% (instead of 15%) maximum surcharge and are in addition to the total cost not to exceed.”; and 3.) The document should be signed by Paulette Hamilton, Town Administrator and not Robert Ericson, Town Planner.

Mr. Ericson continued that money is put into an escrow account by the developer and that money is used to pay the engineering firm.

MOTION by Mr. Zwolenski, seconded by Mrs. Charest, and voted unanimously on an aye vote to approve this proposal as amended and described by the Town Planner.

MOTION by Mrs. Charest, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize the Town Administrator to sign this document.

MOTION by Mrs. Charest, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at approximately 8:45 P.M.

Respectfully submitted, Respectfully submitted,

Karen Bernardino, Finance Clerk Debra A. Todd, Town Clerk